

April 27, 2022

Hon. Steven L. Tiscione  
Magistrate Judge  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

Jones  
Law Firm P.C.

**Re: *Hammock et al. v. Moving State to State, LLC*, No. 18  
Civ. 05628 (RPK) (SLT)**

Judge Tiscione:

As counsel for Plaintiffs, I write to request a conference to set the discovery deadlines because the parties have not reached an agreement.

Yesterday, I wrote to Mr. Meir Moza, the attorney for Yarin Nadel and five of the Corporate Defendants, stating: “We plan to submit a letter with our own proposal to the Magistrate tomorrow afternoon. If you send me your proposed dates by 1PM tomorrow we will include them in the letter as your counterproposal.”

Mr. Moza responded: “I told you the dates. You rejecting it and you want to choose your own dates. So if you want to work it amicably ok. Otherwise ask for conference and I’ll appear accordingly.”

I asked Mr. Moza to confirm his position so as to avoid any argument that I did not write the dates down correctly. Nonetheless, Mr. Moza and I have talked as part of our good faith effort pursuant to Local Civil Rule 26.4 and FRCP 37(a)(1), and it is clear that the parties need court intervention to set discovery deadlines.

I now write to put forward Plaintiffs’ position prior to the proposed conference. In short, Plaintiffs seek to have discovery completed so that summary judgment or a damages inquest may be completed by July 22, 2022 — the date on which the Individual Defendants, Yarin Nadel and his father Michael Nadel — are set to be sentenced to federal prison before the Honorable Eric N. Vitaliano. *See* Minute Entry dated March 23, 2022, in CM/ECF in *United States v. Nadel*, 19 Cr. 00493 (“EDNY Criminal Case”).

Some background is helpful on why expedited discovery is not only needed but possible. This case has been pending since one of the

Plaintiffs, Cory Hammock, filed the initial complaint (through counsel) on October 9, 2018 (1,296 days ago). As a result of Mr. Hammock's complaint, the United States started a civil and criminal investigation.

In the spring of 2019, the United States filed a civil complaint against Yarin and Michael Nadel and four of the Corporate Defendants. *See [United States v. Nadel, 19 Civ. 01578, No. 1](#)* ("EDNY Civil Case") (link to copy of docket entry provided). Just over six months later, on October 24, 2019, the United States submitted a "proposed Consent Decree and Judgment whereby the parties have reached a settlement resolving the action." *EDNY Civil Case, No. 36*. The Honorable Margo Brodie then entered the Consent Decree as an Order. *EDNY Civil Case, No. 37*.

The Court's Order enjoins the Individual Defendants and four Corporate Defendants (all but State to State Moving NY Inc. and Green Peace Transportation LLC) from *inter alia*: "Destroying, deleting, removing, or transferring any and all business, financial, accounting, and other records concerning Defendants' operations and the operations of any other corporate entity owned or controlled . . . by Defendants for a period of ten years . . ." *EDNY Civil Case, No. 37* at 3.

On October 25, 2019, the day after Judge Brodie entered the Consent Decree, a grand jury in this District indicted Yarin Nadel and his father Michael Nadel, and they were arrested. *See [EDNY Criminal Case, No. 1](#)* (link to indictment).

Ten months later, Mr. Moza appeared as Yarin Nadel's counsel on August 3, 2020. *See [EDNY Criminal Case, No. 26](#)* (appearance of counsel). Six weeks later, on September 22, 2020, Mr. Moza requested an adjournment "due to the fact that our office is in current negotiation with the Government regarding a potential plea agreement" for Yarin Nadel. *EDNY Criminal Case, No. 30*. Another letter requesting adjournment for the same reason (*i.e.*, Mr. Moza was negotiating a plea) was filed on December 15, 2020. *See [EDNY Criminal Case, No. 32](#)*. A third letter requesting adjournment because the plea negotiations were still underway was submitted by Mr. Moza on March 11, 2021. *See [EDNY Criminal Case, No. 41](#)*.

On June 24, 2021, Yarin Nadel (represented by Mr. Moza in-person in court — pled guilty to one count of conspiracy to commit wire fraud. *See [EDNY Criminal Case, No. 46](#)*. The specific criminal count admitted to by Mr. Moza's client was that the Nadels "together with others, did knowingly and intentionally conspire to devise a scheme and artifice to defraud customers and potential customers of the State to State

Companies . . . contrary to Title 18, United States Code, Section 1343.”  
[EDNY Criminal Case, No. 1](#) at 12 (“Count Six”).

Expedited discovery is now needed because Yarin Nadel is going to be sentenced to federal prison on July 22, 2022. There are at least four reasons why it should be fairly easy to accomplish.

*First*, all relevant documents have been preserved under the Consent Decree. See [EDNY Civil Case, No. 37](#) at 3. Most, very likely all, of Plaintiffs’ document demands will be satisfied once Defendants turn over the document covered by the Consent Decree.

*Second*, Mr. Moza is very familiar with the underlying case as he engaged in plea negotiations with the United States Attorney’s Office for over seven months and represented Yarin Nadel when he pled guilty, so he has full working knowledge of the underlying facts and evidence.

*Third*, the Consent Decree and guilty plea by Yarin Nadel mean that Plaintiffs may move for summary judgment fairly soon, as Yarin Nadel and the four corporate entities have admitted to the underlying facts.

*Fourth*, Mr. Moza has stated that he will not oppose class certification, which should be determined “[a]t an early practicable time.” Fed. R. Civ. P. 23(c)(1)(A).

Thus, in addition to the documents being turned over, all that is needed are responses to interrogatories and a deposition of Yarin Nadel. With that in mind, Plaintiffs propose the following: (1) all documents covered by the Consent Decree to be turned over by Monday, May 9, 2022, (2) interrogatories due by Monday, May 9, 2022; responses to interrogatories due by Monday, May 30, 2022; deposition of Yarin Nadel to take place by video conference the week of Monday, June 6, 2022 – Friday, June 10, 2022.

Respectfully,



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